

**Notice of Allowability**

Application No.

10/608,018

Applicant(s)

TAKAHASHI, KOICHI

Examiner

Jordan M. Schwartz

Art Unit

2873

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☒ The drawings filed on 30 June 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 6/30/03, 9/3/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

Art Unit: 2873

Allowed Claims: 1-39.

***Examiner's Amendment/Reasons For Allowance/Examiner's Comments***

**Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John C. Altmiller on February 26, 2004.

The application has been amended as follows:

1. Claim 1, line 8, after "according" insert --to--;
2. Claim 2, line 9, after "according" insert --to--;
3. Claim 4, line 12, after "according" insert --to--;
4. Claim 19, line 1, after "Claim 18" insert --comprising said optical surface--;
5. Claim 19, line 3, change "made by the" to --made by a--;
6. Claim 22, line 1, after "Claim 18" insert --comprising said optical member--;
7. Claim 23, line 1, after "Claim 18" insert --comprising said optical member--;
8. Claim 24, line 1, after "Claim 18" insert --comprising said optical member--;
9. Claim 32, line 1, after "according to Claim" insert --1--;

Art Unit: 2873

10. Claim 39, line 2, change "according to Claim 3" to --according to Claim 4--; and

11. In the abstract, have the sentence of lines 6-7 as part of the previous paragraph so that the abstract is in the form of a single paragraph.

#### Reasons For Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference to independent claims 1, 2 and 4, none of the prior art either alone or in combination disclose or teach of the claimed dispersion compensator specifically including, as the distinguishing feature in combination with the other limitations, the claimed diffracting optical member having a concave reflecting surface to diffract the light as claimed, and further with a reflecting mirror with a reflecting surface disposed near a focal point of the entire optical system with the shape changing in a dispersion direction according to the wavelength as claimed.

#### Examiner's Comments

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

For applicant's information, the reference Jp-11-223745 with English abstract was submitted by applicant but inadvertently not included on any of the IDS statements. As requested by applicant's representative John Altmiller in the

Art Unit: 2873

interview of February 26, 2004, this reference has been listed on one of the IDS statements and has been considered by the examiner.

For applicant's further information, the references Cao patent number 6,556,320, Iizuka patent number 6,469,831 and Shirasaki patent number 6,028,706, are being cited herein to show optical systems having some similar structure to that of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (571) 272-2337. The examiner can normally be reached on Monday to Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. Schwartz', with a large loop at the end.

Jordan M. Schwartz  
Primary Examiner  
Art Unit 2873  
March 4, 2004